

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

SENATE BILL 311

By: Senator B. Johnson  
By: Representative Gonzales

## For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS CLEAN INDOOR AIR ACT OF 2006; TO ALLOW PRIVATELY OWNED BUSINESSES THE OPTION TO PROHIBIT SMOKING; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE ARKANSAS CLEAN INDOOR AIR ACT OF 2006; TO ALLOW PRIVATELY OWNED BUSINESSES THE OPTION TO PROHIBIT SMOKING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-27-1804 is amended to read as follows:

20-27-1804. Prohibitions on smoking in publically owned places of employment – Voluntary participation by privately owned businesses.

(a)(1) Effective July 21, 2006, smoking is prohibited in all vehicles and enclosed areas owned, leased, or operated by the state, its agencies and authorities, and any political subdivision of the state, municipal corporation, or local board or authority created by general, local, or special act of the General Assembly or by ordinance or resolution of the governing body of a county or municipal corporation individually or jointly with other political subdivisions or municipalities of the state.

(2) Subdivision (a)(1) of this section does not apply to a privately owned business.

(b)(1) Smoking is prohibited under subsection (a)(1) of this section in all public places and enclosed areas within ~~places of employment,~~



~~including, but not limited to each publically owned place of employment, including without limitation:~~

- (A) Common work areas;
- (B) Auditoriums;
- (C) Classrooms;
- (D) Conference and meeting rooms;
- (E) Private offices;
- (F) Elevators;
- (G) Hallways;
- (H) Health care facilities;
- (I) Cafeterias;
- (J) Employee lounges;
- (K) Stairs;
- (L) Restrooms; and
- (M) All other enclosed areas.

(2) ~~An~~ Under subsection (a)(1) of this section, an individual, a person, an entity, or a business subject to the smoking prohibitions of this section shall not discriminate or retaliate in any manner against a person for making a complaint of a violation of this section or furnishing information concerning a violation to a person, an entity, or a business or to an enforcement authority.

(3) The prohibitions on smoking in ~~subsections (a)~~ subdivision (a)(1) and subsection (b) of this section and the provisions of subdivision (b)(2) of this section shall be communicated to all current employees by their employer ~~within thirty (30) days of July 21, 2006,~~ and to each prospective employee upon application for employment.

SECTION 2. Arkansas Code § 20-27-1805 is repealed.

~~20-27-1805. Exemptions.~~

~~An owner or operator of any of the following areas may exempt itself from this subchapter:~~

~~(1) Private residences except when used as a licensed child care, adult daycare, or health care facility;~~

~~(2)(A) Hotel and motel rooms that are rented to guests and are designated as smoking rooms.~~

~~(B) However, if a hotel or motel has more than twenty five~~

~~(25) guest rooms, not more than twenty percent (20%) of rooms rented to guests in the hotel or motel may be designated as exempt from this subchapter;~~

~~(3)(A) All workplaces of any employer with fewer than three (3) employees.~~

~~(B) This exemption does not apply to any public place;~~

~~(4) A retail tobacco store, if secondhand smoke from the store does not infiltrate into areas in which smoking is prohibited under this subchapter;~~

~~(5)(A) An area within a long-term care facility that is designated by the long-term care facility as a smoking area for supervised patient and supervisory staff smoking; or~~

~~(B) An area outside of the long-term care facility that is designated for visitors and staff that is beyond twenty-five feet (25') of any primary entryway or opening of a long-term care facility;~~

~~(6) Outdoor areas of places of employment;~~

~~(7) All workplaces of any manufacturer, importer, or wholesaler of tobacco products, of any tobacco leaf dealer or processor, and all tobacco storage facilities;~~

~~(8)(A) All restaurants and bars licensed by the State of Arkansas that prohibit at all times all persons less than twenty-one (21) years of age from entering the premises if secondhand smoke does not infiltrate into areas in which smoking is prohibited under this subchapter.~~

~~(B) All restaurants and bars that are exempt under this subdivision (8) shall prominently display a health warning sign as defined by the State Board of Health; and~~

~~(9) Designated smoking areas on the gaming floor of any franchisee of the Arkansas Racing Commission.~~

SECTION 3. Arkansas Code § 20-27-1807 is amended to read as follows:  
20-27-1807. Rules – Promulgation and enforcement authority.

(a)(1) The State Board of Health may adopt reasonable rules and regulations that it determines are necessary or useful to carry out the purposes or facilitate enforcement of this subchapter.

(2) A privately owned business may choose to follow the rules adopted under this section.

(b)(1) The Department of Health and its authorized agents may enforce compliance with this subchapter and any rules ~~and regulations~~ adopted ~~and promulgated~~ under this subchapter by the board.

(2) Under rules of the board, the department and its authorized agents may enter upon and inspect the premises ~~of any public place or enclosed area within a place of employment~~ under § 20-27-1804(a)(1) at any reasonable time and in a reasonable manner.

(3)(A) A privately owned business may choose to allow inspections under this subsection.

(B) The department may recommend best practices under this subchapter to a privately owned business that chooses to allow inspections under this subchapter.